

for Roanoke  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**RUSSELL ADAM PELLETIER,**  
**Petitioner,**

**Case No. 7:14-cv-00479**

**v.**

**MEMORANDUM OPINION**

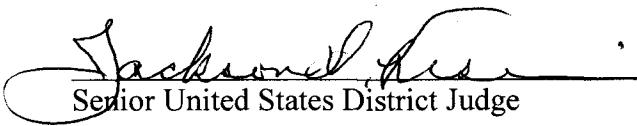
**COMMONWEALTH OF VIRGINIA,**  
**Respondent.**

**By: Hon. Jackson L. Kiser**  
**Senior United States District Judge**

By its September 12, 2014, Order, the court notified Petitioner of its intent to construe and address his “Declaratory Judgment and Judicial Notice of Laws” as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254. The Order advised Petitioner that he should complete and return a form § 2254 motion if he intended to raise the arguments in his “Declaratory Judgment and Judicial Notice of Laws” as a collateral attack on his state sentence. Petitioner has responded, indicating that he objects to the court’s construction of the “Declaratory Judgment and Judicial Notice of Laws” as a § 2254 petition. Instead, Petitioner says he attacks “the fraudulent right of [Virginia] to have ever prosecuted, convicted, and detain [Petitioner] for anything. . . . [and] the fact that the state never had jurisdiction over him and has treated him as property (a slave).”

Thus, I will not treat the “Declaratory Judgment and Judicial Notice of Laws” as a petition for a writ of habeas corpus, and I find that I lack jurisdiction over the frivolous “Declaratory Judgment and Judicial Notice of Laws.” Accordingly, this action is dismissed without prejudice.

ENTER: This 20th day of October, 2014.

  
Jackson L. Kiser  
Senior United States District Judge